

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD LEE EARNEST,

Defendant.

CASE NO. CR02-146 JCC

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on August 30, 2005. The United States was represented by Joanne Maida. The defendant was represented by Carol Koller for Paula Deutsch. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Uttering Forged Securities on or about October 4, 2002. The Hon. John C. Coughenour of this court sentenced Defendant to 30 months of confinement, followed by 3 years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

DEFENDANT'S ADMISSION

USPO Joe G. Mendez alleged that Defendant violated the conditions of supervised release in five respects:

- (1) Using methamphetamine on or before December 2, 2004 and January 19, 2005, in violation of standard condition #7;
- (2) Using methamphetamine on or before April 13, 2005, in violation of standard condition #7;
- (3) Failing to submit to drug testing on December 22, 2004; January 5, 25, 2005; February 9, 25, 2005; March 3, 16, 29, 31, 2005; April 7, 19, 27, 2005; and May 10, 19, 2005, in violation of special condition #1;
- (4) Failing to make minimum monthly restitution payments of \$50.00, for the months of January, February, March, April 2005, and May 2005, in violation of a special condition of supervised release that he make monthly installment payments towards his restitution; and
- (5) Failure to participate in substance abuse treatment program as directed by the probation officer, in violation of special condition #4.

At an initial hearing, I advised the defendant of these charges and of his constitutional rights. Defendant admitted the violations Nos.1, 2, 3, 4, and 5, waived any hearing as to whether they occurred, and consented to having the matter set for a disposition hearing before the Hon. John C. Coughenour.

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PROPOSED FINDINGS

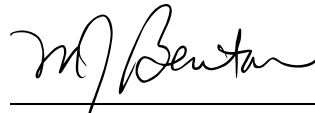
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RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged; and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 7th day of September, 2005.



MONICA J. BENTON
United States Magistrate Judge

cc: Sentencing Judge	:	Hon. John C. Coughenour
Assistant U.S. Attorney	:	Joanne Maida
Defense Attorney	:	Carol Koller/Paula Deutsch
U. S. Probation Officer	:	Joe G. Mendez